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★ DEC 28 2012 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANDREA R. BROWN,

Plaintiff,

- against -

JPMORGAN CHASE BANK, N.A.,

Defendant.
-----X

AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
12-CV-00544 (CBA) (LB)

On February 1, 2012, plaintiff Andrea Brown, proceeding pro se, commenced this action against defendant JPMorgan Chase Bank, N.A. pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. ("ADA"). On April 2, 2012, defendant moved to dismiss Brown's complaint as time-barred. The Court referred the motion to Magistrate Judge Lois Bloom for report and recommendation.

On November 29, 2012, Magistrate Judge Bloom issued a Report and Recommendation (R&R) recommending that the Court grant defendant's motion to dismiss but afford Brown thirty days to amend her complaint to address the timeliness issues identified in the R&R. The R&R further recommends that if Brown fails to file an amended complaint within thirty days that the Court dismiss the case, and that if Brown does amend her complaint, that defendant be allowed to renew its motion or respond to the amended complaint as it deems appropriate. (DE #15.)

Neither party has objected to the R&R, and the time for doing so has passed. On December 26, 2012, Brown filed a response to the R&R, but did not object to its recommendations. Rather, the submission appears to accept the R&R's conclusions, providing additional background information, outlining the allegations and attachments she intends to include in an amended complaint, and requesting leave to file an amended complaint. (DE #16.)

When deciding whether to adopt a R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, hereby adopts Magistrate Judge Bloom’s R&R as the opinion of the Court.

Accordingly, the Court affords Brown thirty (30) days from the date of this Order to file an amended complaint. The amended complaint should specifically address the issues of timeliness identified in the R&R with respect to the filing of her complaint with the Equal Employment Opportunity Commission (“EEOC”) and the filing of this lawsuit. The inclusion of a copy of Brown’s EEOC charge may be helpful in this regard. In reviewing her December 26, 2012 submission, the Court cautions Brown that she should carefully review Magistrate Judge Bloom’s discussion of the timeliness issues to ensure that she covers those concerns in her amended complaint. If Brown fails to amend her complaint within thirty (30) days from the date of this Order, the Court will dismiss the case. If Brown amends her complaint, defendant is permitted to renew its motion or to respond to the amended complaint as it deems appropriate.

SO ORDERED.

Dated: Brooklyn, New York
December 28, 2012

Carol Bagley Amor
Chief United States District Judge